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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,836	12/11/2003	Herman Rodriguez	AUS920030904US1(4026)	2190
45557	7590	12/04/2006	EXAMINER	
IBM CORPORATION (JSS) C/O SCHUBERT OSTERRIEDER & NICKELSON PLLC 6013 CANNON MOUNTAIN DRIVE, S14 AUSTIN, TX 78749			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/733,836

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Yogesh C. Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 15-19 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-19 and 28-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/11/03</u> .                                                | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I (claims 1-7, 15-19, & 28-30) in the reply filed on 10/31/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant has canceled non-elected claims 8-14 and 20-27 and added new claims 31-35 relating to Group I. Currently claims 1-7, 15-19, & 28-35 are pending for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-7, 15-16, 18-19, 28-29, 32-35 rejected under 35 U.S.C. 102(a) as being anticipated by Flynn (US Publication 20010023402A1).

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4. Claims 1-2, 5-7, 15-16, 18-19, 28-29, 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Flynn (US Publication 20010023402A1).

Regarding claim 1, Flynn teaches a method for aggregating an e-commerce transaction, the method comprising:

receiving an electronic receipt, the electronic receipt describing a transaction to purchase a product by a purchaser from a merchant (see at least paragraphs 0013 and 0029-0031) gathering product information associated with the transaction, and packaging the product information with the electronic receipt to create an aggregated package (see at least paragraphs 0034 and 0035. Paragraph 0034 fairly suggests gathering product information about items to be replenished and then packaging the product information gathered about the items to be replenished with the electronic receipt to create an aggregated package of information about the items to be replenished. Paragraph 0035 fairly suggests gathering product information relating to registration of products and warranty and then packaging the product information related to warranty to create an aggregated package).

Regarding claim 2, Flynn teaches transmitting the aggregated package to an email address associated with the purchaser (see paragraphs 0012, 0014 and 0035 wherein the aggregated package information is sent to the consumer in electronic form which includes sending the data via e-mail).

Regarding claim 5, Flynn suggests gathering product information comprises retrieving the product information from at least one source of a group of sources comprising the merchant, a bank associated with the purchaser, a manufacturer associated with the product, a manufacturer having accessories associated with the product, and a retailer having accessories associated with the product (see at least paragraphs 0018-0023 which fairly disclose that the product information is gathered from POS devices belonging to merchants/retailers. Since the claim language requires to retrieve from any one of the listed sources, Flynn reads on this limitation as it discloses at least two sources. Further paragraph 0005 suggests to gather product information about items purchased from bank statements and /credit/debit card statements.).

Regarding claim 6, Flynn suggests requesting the product information from the at least one source, the product information comprising data associated with the product, from a category of data of a group of categories comprising warranty information, rebate information, product registration information, follow-on order information, depictions of the product, specifications, manuals, accessories, links to product information, links to manufacturer web sites, links to the merchant's web site, and links to the bank's web site (see at least paragraph 0035 which discloses that the product information comprises data associated with product registration, warranty information. Since the claim language requires that product information is associated from any one of the listed information, Flynn reads on this limitation as it discloses at least two of the listed information in the claim.).

Regarding claim 7, Flynn suggests comprises storing the electronic receipt and the product information in a format that is accessible by a personal finance manager (see at least paragraphs 0012, 0014 and 0035. Flynn teaches storing electronic receipts and product information in an electronic format which can be transmitted via-email and a finance manager can access an e-mail.)

Regarding claims 15-16, 19, 28-29, 32-35, their limitations are closely parallel to the limitations of claims 1-2, 5-7 and are therefore analyzed and rejected on the basis of same rationale as used above for rejection of claims 1-2 and 5-7.

Regarding claim 18, Flynn fairly suggests parsing the electronic receipt to identify a product (see at least paragraph 0034. Note: the software application identifying products which need to be replenished corresponds to the electronic receipt parser identifying a product).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 17 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn further in view of Levchin et al. (US Patent 7,089,208 B1), hereinafter Levchin.

Regarding claims 3, 17 and 30 Flynn teaches all the limitations of claims 1, 15 and 28 of which the claims 3, 17 and 30 are dependencies respectively, as analyzed above, but does not disclose certifying the transaction with a certificate of authenticity. However, the practice of certifying a transaction involving transfer of funds conducted on online is well-known as shown in Levchin (see at least col.6, lines 36-45 and col.14, lines 16-20). In view of Levchin, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Flynn to certify the purchase transaction because to demonstrate that the transaction is valid and was not spoofed or faked (as suggested in Levchin, col.14, lines 16-20).

7. Claims 4 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn further in view of Horn et al. (US Publication 2002/0156688 A1), hereinafter Horn

Regarding claims 4 and 31 Flynn teaches all the limitations of claims 1, 15 and 28 of which the claims 4 and 31 are dependencies respectively, as analyzed above, but does not disclose determining a language selected for the product information and gathering product information in the selected language. However in global electronic commerce system, Horn teaches determining a language selected for the product information and gathering product information in the selected language (see at least Abstract and claim 1, on page 39 ). In view of Horn, it would be obvious to

one of an ordinary skilled in the art at the time of the applicant's invention to have modified Flynn to determining a language selected for the product information and gathering product information in the selected language because that would be required so that a buyer of a particular locality and speaking a particular language can receive product information and is able to complete a transaction in his own language.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Publication 20030061104A1 to Thomson et al. (see at least paragraphs 0016-0022 and 0025 to 0028) teaches receiving an electronic receipt describing purchase related transactions, gathering product information related to warranty of the purchased products and completing the product registration.

(ii) US Publication 20030158819A1 to Scott (see at least paragraph 0053) teaches generating and providing electronic receipt describing purchase related transactions to customers. The product information on the electronic receipts is collected from bank/credit card company.

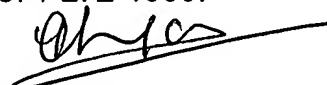
(iii) US Patent 6,487,540B1 to Smith et al. (see at least Abstract) teaches generating, transmitting, storing electronic receipts so that the product information related to purchase transactions is analyzed and processed further.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG/11/30/2006